

The action was brought by one partner against another, to wind up the partnership, which had been dissolved by agreement, and to restrain the defendant from compromising a debt. The defendant having appeared in the action, applied on motion before Kekewich, J., for leave to compromise the debt in question, which was the principal asset. By the intended compromise it was proposed to form a limited company in Amsterdam, to take over the property of the debtors, consisting of certain sugar factories and coffee estates in Java, and to allot to the plaintiff and defendant fully paid-up shares in the company in satisfaction of their debts. The plaintiff objected to this compromise being carried out, but it appearing to Kekewich, J., to be for the benefit of both parties that it should be carried out, he made an order appointing the defendant receiver with liberty to compromise the debt in question as proposed. The Court of Appeal, however, decided that one partner has no implied power to bind his co-partner by accepting shares in a company (though they be fully paid up) in satisfaction of a debt due to the firm; and that the Court has no jurisdiction in an action to wind up a partnership to confer on a receiver any greater powers in this respect than a partner would have. *Weikersheim's Case*, L.R., 8 Ch., 831, which is referred to in *Lindley on Partnership* (5th ed.), 141, was shown to be no authority for the general proposition that such power exists; because the Court there proceeded on the ground that the power existed in that case, because it was shown to be part of the ordinary course of the business of the firm, and there had been express knowledge and assent to the transaction on the part of the partners. It would appear, therefore, from this case that the statement in *Lindley*, for which *Weikersheim's* case is cited, is put rather too broadly.

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## Proceedings of Law Societies.

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### LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1889.

*Resume* of the proceedings of Convocation.

*Monday, November 18th.*

Convocation met.

Present—The Treasurer, and Messrs. Bruce, Foy, Hoskin, Irving, Macdougall, Martin, Meredith, Murray, Osler, and Shepley.

The minutes of last meeting were read and approved.

The petition of the Osgoode Legal and Literary Society, as to the opening of the library at night, was received and read.

Ordered that the petition stand till the Report of the Finance Committee on the reference of the 9th February, 1889, and that the petition be referred to the Library Committee on the questions involved other than financial points.

The Secretary reported the resignation (by letter, which was read) of the telegraph operator, and that a temporary appointment had been made of an operator provided by Mr. Dwight.

The Secretary reported that Miss M. Wynn had applied.